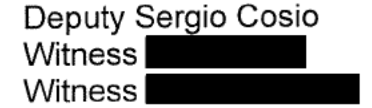
TABLE OF CONTENTS
SH 2319289

AUDIO/VIDEO TRACKING SHEET

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS

Deputy Sergio Cosio

Witness [redacted]
Witness [redacted]

EXHIBITS

A. Homicide Investigation Book

B. (1) CD-R containing Sheriff's Crime Lab crime scene photos and aerial photos

C. (1) CD-R containing the radio traffic from the date and time of the incident

D. District Attorney Letter of Opinion

MISCELLANEOUS DOCUMENTS

- Administrative rights form
- Charge Evaluation Worksheet for [redacted]
- Copies of the First and Supplemental reports from the use of force the day prior to the shooting file 912-15824-1335-058
- Printed copy of digital photo depicting the view west from Witness [redacted] business
- Miscellaneous documents

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: January 10, 2014
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2319289
Incident:	Hit Shooting
Incident Date:	August 24, 2012
Unit:	Lakewood Station
Suspect:	Tony Francis, MB/06-04-90
Involved Employees:	Deputy Sergio Cosio, #[redacted]
EFRC Date:	January 9, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Stephen Johnson, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

A Lakewood Sheriff's Station deputy was driving east in the 9400 block of Alondra Boulevard, in the City of Bellflower, when he observed a male Black (Suspect Tony Francis) punching a male Hispanic (Witness) about his face and chest area. Suspect Francis and the witness were on the north sidewalk, just east of "Alondra Tires," located at [redacted] Alondra Boulevard.

Deputy Cosio saw the suspect take the witness' gold chain from around his neck. The suspect looked in the direction of the deputy's distinctively marked black and white patrol car, grabbed his waistband with his right hand, and ran west on the north sidewalk. The deputy thought the suspect was holding onto a handgun in his waistband. The deputy saw the suspect throw the witness' gold chain over the fence at Alondra Tires, as he continued to run west past the tire shop.

The deputy drove in reverse, made a U-turn, and drove west on Alondra Boulevard. He saw the suspect was still holding his waistband with his right hand. The deputy watched as the suspect removed a black colored, zippered "hoodie" with his left hand, then switched hands on his waistband and discarded the hoodie. The suspect switched his right hand to his waistband and continued to run west.

The deputy requested assistance over his handheld radio and followed the suspect in his patrol car. The suspect turned north onto the concrete driveway of the business ([redacted]) located at [redacted] Flora Vista Street. The deputy continued to follow the suspect as he drove his patrol car north on the concrete driveway. The suspect looked back at the deputy's patrol car several times as he ran away from him. The suspect was still holding his waistband with his right hand.

The suspect ran north on a dirt/gravel driveway behind the business office, toward the rear storage yard area of the business. The suspect turned west behind a storage shed located near the rear of the yard. Because the deputy was driving on dirt/gravel, he was unable to stop his patrol car, and he crashed into a cinder block wall along the north property line at the rear of the storage yard area. The speed of the deputy's patrol car was enough to break through the block wall; however, the patrol car's air bags did not deploy.

Once his patrol car stopped, the deputy saw the suspect standing on a yellow piece of roofing equipment adjacent to the north wall, approximately five yards northwest of him. The suspect was still holding his waistband with his right hand and he was surprised the suspect had not jumped over the block wall and continued his escape. The suspect never reached out with his hands in an attempt to grab the wall to climb over. Instead, the deputy saw the suspect blade his body to the right, in the direction of where the deputy's patrol car came to rest.

The deputy believed he was exposed and in a position of disadvantage as his patrol car was disabled due to the crash. Because the suspect did not continue his flight and appeared to be turning in the deputy's direction while still holding his waistband with his right hand, the deputy believed the suspect was armed and was about to take out a firearm from his waistband.

The deputy feared the suspect was about to shoot and kill him, as he (deputy) felt he was trapped inside of his patrol car. The deputy repositioned himself inside of his patrol car and drew his department issued handgun. The deputy again repositioned himself inside of his patrol car and pointed his handgun at the suspect, while yelling at him, "Stop, Don't do it!" and "Get on the ground." The suspect failed to comply with his commands and the deputy feared he was about to be shot and killed by the suspect. The deputy fired six rounds from his handgun and the suspect fell to the ground in the area between the yellow piece of roofing equipment and the north cinder block wall.

The deputy advised Lakewood Sheriff's Station Patrol Units that he had been involved in a shooting, and the suspect was down. He continued to detain the suspect at gunpoint until assisting patrol cars arrived. The area was contained, and the crime scene was secured. Paramedics from Los Angeles County Fire responded and treated the suspect. Under the direction of the Emergency Room Doctor from Long Beach Memorial Hospital, the suspect was pronounced deceased.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC recommended Deputy Sergio Cosio #[redacted], attend the eight-hour Emergency Vehicle Operation Center Update training. Additionally, the EFRC recommended Deputy Cosio research similar departmental shootings and conduct officer safety briefings at the station.

Lastly, the EFRC recommended the unit commander, Captain Merrill E. Ladenheim, conduct a tactical debriefing regarding the unique circumstances of this incident.

BDD:JER:jer



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

June 4, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 12-0554
L.A.S.D File # 012-15920-1332-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 24, 2012, fatal shooting of Tony Louis Frances, Jr. by Los Angeles Sheriff's Department Deputy Sergio Cosio. We find that Deputy Cosio acted lawfully in self-defense and in an attempt to arrest a dangerous felon.

The District Attorney's Command Center was notified of the shooting on August 24, 2012 at approximately 3:17 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Renee Chang and District Attorney Senior Investigator [redacted] responded and was given a briefing of the circumstances and a walk-through of the scene.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Detective Frank Salerno, LASD Homicide Bureau. The voluntary statement of Deputy Cosio was considered as part of this analysis.

FACTUAL ANALYSIS

On August 24, 2012, at approximately 2:30 p.m., [redacted] was standing on the sidewalk on Alondra Boulevard in the City of Bellflower.[1] He observed a blue vehicle come to a stop approximately five car lengths away from where he was standing. Tony Frances exited the passenger side of the blue vehicle holding a white cell phone to his ear. Frances began walking on the sidewalk toward [redacted]. When he reached [redacted] Frances reached out with his right hand and grabbed a gold chain that [redacted] was wearing around his neck. [redacted] struggled with Frances. Frances pulled on the chain two to three times before it broke. As Frances and [redacted]

[1] [redacted] had dropped off his car at a nearby tire shop. He was waiting for his tires to be changed.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

continued to fight, [redacted] fell to the ground as Frances punched him in the face and upper chest.[2] Frances' cell phone fell to the ground and broke into several pieces.

At that time, LASD Deputy Sergio Cosio was on patrol in a marked police vehicle. He was driving on Alondra Boulevard when he observed Frances punching [redacted] and yanking the gold chain from [redacted] neck. Frances turned toward the patrol vehicle, made eye contact with Cosio, picked up his cell phone, and began running along the sidewalk as he held his waistband with his right hand. As Cosio turned his patrol vehicle around to follow Frances, Frances threw the gold chain onto the ground.[3] He also removed the sweatshirt he was wearing and threw it to the ground. While removing his sweatshirt, he used only his left hand, keeping his right hand concealed at his waistband.

Frances ran down a dirt and gravel driveway of a roofing business. The narrow driveway ended behind the business at a five-foot high cinder block wall. There was machinery and debris against the wall next to the driveway. Cosio followed in his patrol vehicle. When he saw that the driveway ended, Cosio attempted to stop his vehicle. The vehicle slid and its front end collided with the wall.

Frances climbed onto a piece of machinery that was next to the wall. The machinery had a flat platform surface. As Frances stood on the platform, he was approximately five feet away from Cosio's driver's side door. Frances did not attempt to climb over the cinder block wall. Instead, he began to "blade" his body toward Cosio, raising his right elbow and hand from his waist area. Cosio, who was unable to open his door at that moment because of the collision, was trapped in his vehicle.[4] Cosio ordered Frances to stop and get on the ground. Frances did not comply and continued to turn toward Cosio. In fear for his life, Cosio fired six rounds from his service weapon through his driver's door window at Frances, striking him in the head, right arm, torso, and right leg.[5] Frances fell to the ground, motionless, wedged between the machinery and the wall.[6]

Los Angeles County Fire Department paramedics arrived, examined Frances, and telephonically consulted with Dr. Sebastian from Long Beach Memorial Hospital. Via telephone, Dr. Sebastian pronounced Frances dead at the scene.

Deputy Medical Examiner Ogbonna Chinwah, M.D., performed the autopsy on Frances on August 27, 2011. Frances suffered six gunshot wounds to his right ear, right arm, right side of his chest, and right thigh. Blood samples taken from Frances during the autopsy were analyzed and determined to contain marijuana. Dr. Chinwah determined the cause of death to be from multiple gunshot wounds.

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[2] [redacted] sustained abrasions to his neck and bruising to his left wrist. He was wearing a tank top under a t-shirt, both of which were torn at the neck.

[3] The chain of the necklace was broken.

[4] The front end of Cosio's vehicle had broken through the wall. The driver's side door was against a pile of bricks which were next to the wall.

[5] Cosio was armed with a Beretta model 92FS, 9mm Luger caliber, semiautomatic pistol.

[6] A cell phone was found under Frances' body. There was no weapon recovered at the scene.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or defense of others actually and reasonably believed that he was in danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins (1961) 189 Cal.App.2d 575.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." Graham v. Conner, (1989) 490 U.S. 386, 396-397.

California law also permits the use of deadly force by police officers when necessary to affect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. People v. Ceballos (1974) 12 Cal.3d 470. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. Ceballos, supra, 12 Cal.3d at 479. The following crimes have been deemed forcible and atrocious as a matter of law: murder, mayhem, rape, and robbery. Id. at 478.

CONCLUSION

The evidence examined shows that Deputy Cosio witnessed Frances committing a robbery, a forcible and atrocious crime. When Cosio attempted to stop him, Frances ran in the opposite direction, holding his waistband with his right hand. After Cosio drove down the driveway and collided with the cinderblock wall, he was trapped in his patrol vehicle. When Cosio saw Frances standing on a piece of machinery, he was surprised that Frances did not attempt to jump over the wall. Instead, Frances began to turn his body in Cosio's direction. Cosio, trapped in the driver's seat of his vehicle, ordered Frances to stop and get on the ground. Frances did not comply and continued to turn toward Cosio. Because Cosio had witnessed Frances committing a robbery and running while holding his hand concealed in his front waistband area, Cosio believed that Frances was armed. In fear for his life and in an attempt to apprehend a fleeing felon, Cosio responded with deadly force.

We find that Deputy Cosio acted in lawful self-defense and in an attempt to apprehend a dangerous fleeing felon when he used deadly force against Tony Louis Frances, Jr. Therefore, we are closing out file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By Renee Chang

RENEE CHANG
Deputy District Attorney
(213) 974-3888

c: Deputy Sergio Cosio, #[redacted]

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 10/30/13	Bureau/Station/Facility: Lakewood Station / South Patrol	Admin. Invest.? ☒	Hit? ☒

Incident Information

URN: 012-15920-1332-013	Date: 08/24/12	Time: 1411
City or Station: Bellflower	Nature of Incident: Deputy Cosio engaged a robbery suspect who failed to obey his commands. The suspect had his hand in his waist area and turned toward Deputy Cosio, believing he had a firearm a deputy involved shooting occurred.	
Location: [redacted] Flora Vista Street, Bellflower CA. 90706		

Location Type (*circle one or more*): Backyard, Beach, **(circled) Business**, Freeway, **(circled) Industrial**, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **(circled) Daylight**, Other, Street Lights

Weather (*circle only one*): **(circled) Clear**, Cloudy, Fog, Rain

Distance: 5 yards

Incident Type (*circle one or more*): Accidental, Armed Person, **(circled) Fleeing Suspect**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, **(circled) Unarmed Person**, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **(circled) Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(circled) Routine Patrol**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit? ☐	Canine Unit? ☐
6	0		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	Street Address	City	First Name	M.I.	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Hutak	Jodi		**(circled) On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Peterson	James	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Malone	Alicia	

PSTD Use Only

SH # 2319289

Officer Involved Shooting

URN: 012-15920-1332-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/24/12	1550	11/19/13	06/04/13

Employee #	Last Name	First Name	M.I
[redacted]	Carrizosa	Slade	
[redacted]	Hamil	Jeffrey	
[redacted]	Vaughan	Stephen	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
E#1	S#1	FH	BR	9	Y	Y	GS	HE

Officer Involved Shooting
Involved Employee Information

URN: 012-15920-1332-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Cosio	First Name: Sergio	M.I.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Lakewood	Work Assignment (Unit #, Module, etc.): 133B
ShiftTime (*circle only one*): EM PM Day (circled)	ShiftType (*circle only one*): Regular (circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest (circled)	Other Factors:
Age: [redacted] Height: 5'6" Weight: 280			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9MM # Shots: 6		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 012-15920-1332-013

Suspect Information

S 1

Last Name: Francis		First Name: Tony	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 22 D.O.B. 06/04/90	Height: 5'6" Weight: 151	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [X]	Coroner Case # 2012-05633	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED HIT-SHOOTING

CASE NUMBER: SH 2319289

File # 012-15920-1332-013

DATE: August 24, 2012, Friday

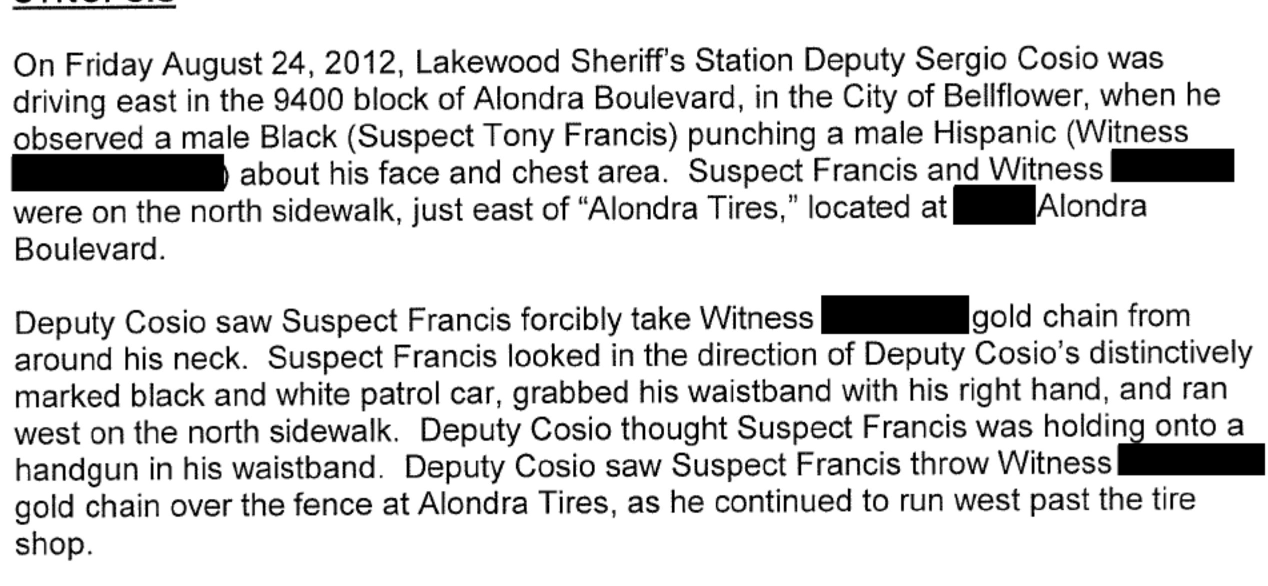
TIME: 1411 hours

LOCATION: [redacted] Flora Vista Street, Bellflower CA. 90706

OPENING STATEMENT

On Friday, August 24, 2012, Internal Affairs Bureau investigators Sergeants Slade Carrizosa, Jeffrey Hamil, and Lieutenant Stephen Vaughan responded to [redacted] Flora Vista Street, Bellflower in regard to a Deputy Involved Hit-Shooting. Internal Affairs Bureau investigators, the District Attorney's Office, and the Office of Independent Review were given a briefing by Homicide Bureau.

SYNOPSIS



On Friday August 24, 2012, Lakewood Sheriff's Station Deputy Sergio Cosio was driving east in the 9400 block of Alondra Boulevard, in the City of Bellflower, when he observed a male Black (Suspect Tony Francis) punching a male Hispanic (Witness [redacted]) about his face and chest area. Suspect Francis and Witness [redacted] were on the north sidewalk, just east of "Alondra Tires," located at [redacted] Alondra Boulevard.

Deputy Cosio saw Suspect Francis forcibly take Witness [redacted] gold chain from around his neck. Suspect Francis looked in the direction of Deputy Cosio's distinctively marked black and white patrol car, grabbed his waistband with his right hand, and ran west on the north sidewalk. Deputy Cosio thought Suspect Francis was holding onto a handgun in his waistband. Deputy Cosio saw Suspect Francis throw Witness [redacted] gold chain over the fence at Alondra Tires, as he continued to run west past the tire shop.

Deputy Cosio drove in reverse, made a U-turn, and drove west on Alondra Boulevard. Deputy Cosio saw Suspect Francis still holding his waistband with his right hand. Deputy Cosio watched as Suspect Francis removed a black colored, zippered "hoodie" with his left hand. Suspect Francis then switched hands on his waistband and discarded the hoodie. Suspect Francis switched his right hand to his waistband and continued to run west.

Deputy Cosio requested assistance over his handheld radio and followed Suspect Francis in his patrol car. Suspect Francis turned north onto the concrete driveway of the business ([redacted]) located at [redacted] Flora Vista Street. Deputy Cosio continued to follow Suspect Francis as he drove his patrol car north on the concrete driveway. Suspect Francis looked back at Deputy Cosio's patrol car several times as he ran away from Deputy Cosio. Suspect Francis was still holding his waistband with his right hand.

Suspect Francis ran north on a dirt / gravel driveway behind the business office, toward the rear storage yard area of the business. Suspect Francis turned west behind a storage shed located near the rear of the yard. Because Deputy Cosio was driving on dirt / gravel, he was unable to stop his patrol car, and he crashed into a cinder block wall along the north property line at the rear of the storage yard area. The speed of Deputy Cosio's patrol car was enough to break through the block wall, however the patrol car's air bags did not deploy. For additional information regarding the collision see the Supervisor's Report of Damage to County Vehicle, which is included with this case book in **Miscellaneous Documents**.

Once his patrol car stopped, Deputy Cosio saw Suspect Francis standing on a yellow piece of roofing equipment adjacent to the north wall, approximately five yards northwest of him. Suspect Francis was still holding his waistband with his right hand. Deputy Cosio was surprised Suspect Francis had not jumped over the block wall and continued his escape. Suspect Francis never reached out with his hands in an attempt to grab the wall to climb over. Instead, Deputy Cosio saw Suspect Francis blade his body to the right, in the direction of where Deputy Cosio's patrol car came to rest.

Deputy Cosio believed he was exposed and in a position of disadvantage as his patrol car was disabled due to the crash. Because Suspect Francis did not continue his flight and appeared to be turning in Deputy Cosio's direction while still holding his waistband with his right hand, Deputy Cosio believed Suspect Francis was armed and was about to take out a firearm from his waistband. Deputy Cosio feared Suspect Francis was about to shoot and kill him, as he (Deputy Cosio) felt he was trapped inside of his patrol car.

Deputy Cosio repositioned himself inside of his patrol car and drew his department issued handgun. Deputy Cosio again repositioned himself inside of his patrol car and pointed his handgun at Suspect Francis, while yelling at him, "Stop, Don't do it!" and "Get on the ground."

Suspect Francis failed to comply with his commands, Deputy Cosio feared he was about to be shot and killed by Suspect Francis. Deputy Cosio fired six rounds from his handgun at Suspect Francis. Suspect Francis fell to the ground in the area between the yellow piece of [redacted] equipment and the north cinder block wall. Deputy Cosio exited his car and continued to order Suspect Francis to remain on the ground and not to move.

While he moved to the rear quarter panel of his patrol car, Deputy Cosio advised Lakewood Sheriff's Station Patrol Units that he had been involved in a shooting, and the suspect was down. Deputy Cosio continued to detain Suspect Francis at gunpoint until assisting patrol cars arrived. The area was contained, and the crime scene was secured.

Paramedics from Squad 45, under the command of Captain Amador from Los Angeles County Fire Engine 98, responded and treated Suspect Francis. Under the direction of Emergency Room Doctor Sebastian, from Long Beach Memorial Hospital, Captain Amador pronounced Suspect Francis deceased at 1435 hours.

The Deputy-Involved Hit-Shooting incident was investigated and documented by Homicide detectives. Internal Affairs Bureau received the completed Homicide Investigation Book, on March 5, 2013. The Homicide Investigation Book is included with this investigation as **Exhibit A**.

> **IAB Note:** On June 21, 2013, the Sheriff's Department received the Letter of Opinion from the District Attorney's Office. The District Attorney concluded that Deputy Cosio acted lawfully and in self-defense. For further, see the letter of opinion included with this case in **Exhibit D.**

INVOLVED PERSONNEL

Cosio, **Sergio**, Deputy, #[redacted]

Assigned to South Patrol Division, Lakewood Station
Working Unit 133B, City of Bellflower

Date of Employment:	May 24, 2006
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

SUSPECT

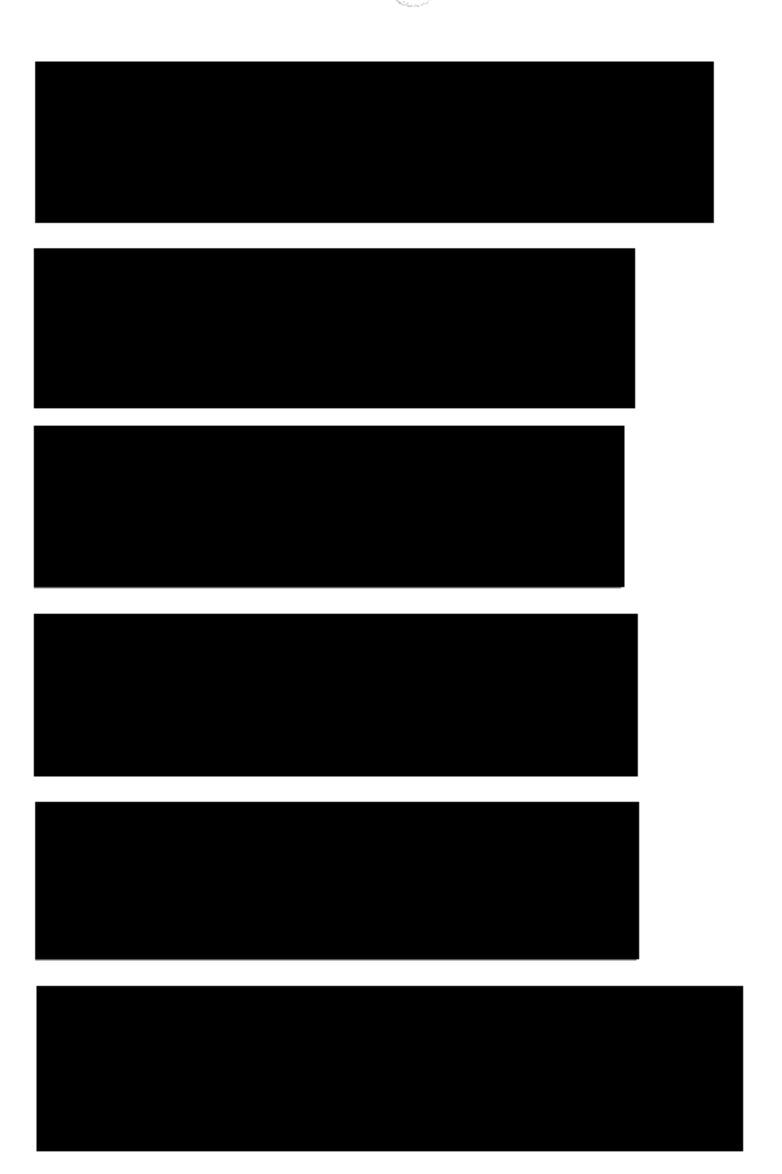
Francis, Tony MB/22, DOB: 06/04/90, Deceased
[redacted]

The Consolidated Criminal History System revealed Suspect Francis [redacted] For Suspect Francis' complete Consolidated Criminal History see **Exhibit A, pages 155-166.**

CIVILIAN WITNESSES

The commercial area near the shooting scene, on Alondra Boulevard, was canvassed for any potential witnesses. Several witnesses were identified as seeing the altercation between Suspect Francis and Witness [redacted] prior to the shooting. Only one witness, [redacted], witnessed the shooting.

[redacted]



[redacted]

SUSPECT INJURIES

Suspect Francis sustained six gunshot wounds to his body. For a complete description of the gunshot wounds and their locations, see the Los Angeles County Corner Autopsy Report that is included with this investigation in **Exhibit A, pages 118-142.**

DEPUTY(S) INJURIES

None

PHYSICAL EVIDENCE

Deputy Cosio's six 9MM Luger expended bullet casings were recovered from the shooting scene. One expended casing was recovered from the sill of the driver's door window of Deputy Cosio's patrol car. Two expended casings were recovered from the ground west of Deputy Cosio's patrol car. One expended casing was recovered from the windshield wiper well of Deputy Cosio's patrol car. Two expended casings were recovered in the debris from the broken wall north of Deputy Cosio's patrol car.

IAB Note: For a complete list and diagram of the physical evidence recovered see Sheriff's Crime Lab Supplemental Report which is included in **Exhibit A, pages 94-100.**

INVESTIGATOR'S OBSERVATIONS

Upon the investigators' arrival they learned there was an active command post and containment of the crime scene area. Investigators learned of the series of events which culminated in a Deputy-Involved, Hit-Shooting involving Deputy Sergio Cosio. Deputy Cosio was a uniformed patrol deputy.

IAB Note: IAB Lieutenant Stephen Vaughan checked to see that the Watch Commander, Lieutenant Alicia Malone took reasonable steps to ensure the involved deputy did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Stephen Vaughan checked to see if the Watch Commander attempted to have the involved deputy gather in the company of a supervisor until he provided a statement to the assigned investigators.

The criminal investigation was handled by Homicide Bureau Detectives Ronald Duval and Frank Salerno. They documented their actions and findings on Supplemental reports in **Exhibit A, pages 52-74.** The crime scene investigation was handled by Homicide Detectives Steve Blagg and Louie Aguilera. They entered the crime scene with Sheriff's Crime Lab Personnel. They documented their actions and findings on Supplemental Reports in **Exhibit A, pages 44-51.**

IAB Note: Aerial photographs and crime scene photographs are included in this case book as **Exhibit B.** Sheriff's Crime Lab collected the evidence from the crime scene. The Sheriff's Crime Lab investigators documented their collection in Supplemental Reports in **Exhibit A, pages 94-112.**

WEAPON(S) USED BY DEPUTY PERSONNEL

Deputy Name: Cosio, Sergio
Service Weapon Type: Beretta 9mm, 92FS
Rounds Fired: Six
Type of Ammunition Used: Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified: [redacted]

WEAPON(S) USED BY SUSPECT

No weapon

CRIMINAL CHARGES

On October 25, 2013, the Los Angeles District Attorney declined to file the charge of robbery (211 PC) against [redacted]. See Charge Evaluation Worksheet included with this investigation in **Miscellaneous Documents**.

REVIEW OF RADIO TRAFFIC

The radio traffic starts at 1411 hours on August 24, 2012. At the beginning of the radio, Deputy Cosio can be heard saying "Give me the patch." Sheriff's Communication Center (SCC) dispatcher started to communicate an unrelated emergent call, covering Deputy Cosio's radio traffic for approximately 5 seconds. At the end of the 5 seconds Deputy Cosio can be heard stating a location of "Stevens and Alondra." The SCC dispatcher identifies the unit transmitting as, 133B (Deputy Cosio) and asked the unit if he has radio traffic. After getting no response from unit 133B, SCC asked if there was a unit with emergent traffic.

> **IAB Note:** The "Patch" is a frequency that allows units to communicate emergent radio traffic directly to assisting units.

Approximately 9 seconds later Deputy Cosio can be heard again requesting the patch. SCC acknowledged the request for the patch and told Unit 133B to go ahead. After getting no response from Unit 133B the SCC dispatcher broadcasted the location of "Stevens and Alondra" as a possible location, and requested units to respond Code-3 to that location. The SCC dispatcher again attempted to get Unit 133B to acknowledge the radio, and received no response. After approximately 35 seconds, Unit 133B again requested the patch and was advised by the SCC dispatcher he was on the patch, and to go ahead with his radio traffic.

After approximately 11 seconds, Deputy Cosio advised he was involved in a "998" at Flora Vista and Alondra to the rear of a business. Deputy Cosio advised the suspect was a robbery suspect, and he was down at the location. Deputy Cosio requested units to respond and contact the robbery victim. The radio traffic continues with Deputy Cosio requesting paramedics and advising there were no outstanding suspects.

A copy of the radio traffic is included with this investigation as **Exhibit C.**

WEATHER AND LIGHTING CONDITIONS

Clear, daylight hours

PROPERTY DAMAGES

Approximately a 12' section of a 5' high cinder block wall located on the north property line of [redacted] Flora Vista Street was knocked down when Deputy Cosio's patrol car collided into the wall.

INVOLVED EMPLOYEE STAMENT

Deputy Sergio Cosio was interviewed on October 5, 2013, at 1030 hours by Sergeants Slade Carrizosa and Justin Diez of Internal Affairs Bureau. The interview was conducted at Internal Affairs Bureau. Deputy Cosio was represented by Dale Nowicki, Attorney from the Law Office of Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of the incident from information from Deputy Cosio's Homicide and Internal Affairs interviews.

On August 24, 2012, Deputy Cosio was assigned to Lakewood Station, and was working Unit 133B, a one person day shift patrol unit in the City of Bellflower. At approximately 1400 hours he was driving east on Alondra Boulevard and saw two males fighting on the north sidewalk in front of a clothing shop. Deputy Cosio described one of the males as a White or light skinned Hispanic (Witness [redacted] and the other as a male Black (Suspect Francis).

Deputy Cosio slowed his patrol car and started to drift into the center turn lane, still driving east on Alondra Boulevard. Deputy Cosio saw Suspect Francis striking Witness [redacted] in the head and shoulders. Deputy Cosio started to get on his radio to request assistance regarding the fight he was witnessing. Simultaneously, Suspect Francis ripped a gold chain from Witness [redacted] neck. Deputy Cosio removed his seat belt, opened his driver's door, prepared to exit his patrol car, and ordered Suspect Francis to get on the ground.

Suspect Francis turned and looked toward Deputy Cosio. Deputy Cosio requested the duplex patch and transmitted that he had a robbery in progress on Alondra Boulevard and Stevens Avenue. Deputy Cosio continued to slowly drive into the center turn lane and ordered Suspect Francis to get on the ground. Deputy Cosio stopped his patrol car west of Suspect Francis in the center turn lane. Suspect Francis made eye contact with Deputy Cosio and ran west on the north sidewalk of Alondra Boulevard toward and then past Deputy Cosio. The fact that Suspect Francis ran toward Deputy Cosio and then past him concerned Deputy Cosio, and made him think Suspect Francis had run from the police before and knew it took time for the police to turn their patrol cars around.

Deputy Cosio did not hear a response from the dispatcher regarding his request for the patch and did not believe his radio traffic transmitted. As Suspect Francis ran past Deputy Cosio west on Alondra Boulevard, Deputy Cosio activated his emergency lights, and put his patrol car in reverse. Deputy Cosio accelerated in reverse and made a reverse U-turn, what he described as a "J-hook," which caused his tires to leave skid marks on the street. The process of making the reverse U-turn caused Deputy Cosio to lose sight of Suspect Francis for a couple seconds.

Once Deputy Cosio completed the turn he saw Suspect Francis was still running west on the north sidewalk of Alondra Boulevard. Suspect Francis stopped running, and turned his body to where Deputy Cosio could only see Suspect Francis' back. Deputy Cosio then saw Suspect Francis throw the gold chain through the wrought iron fence in front of Alondra Tire on the north side of Alondra Boulevard.

Suspect Francis continued to run west on Alondra Boulevard, and took off his black sweatshirt. Suspect Francis only used his left arm / hand to remove his sweatshirt. Suspect Francis kept his right hand concealed at his front waist area while he removed his sweatshirt. Suspect Francis continued to run west with his right hand concealed at his front waistband area. Suspect Francis' actions coupled with Deputy Cosio's training and experience made Deputy Cosio believe Suspect Francis was possibly armed with a firearm.

Deputy Cosio followed Suspect Francis who continued to run west on Alondra Boulevard. Deputy Cosio estimated he was approximately 20 yards behind Suspect Francis as he approached a driveway on the north side of Alondra Boulevard. Deputy Cosio believed this was the approximate time when he again requested the patch. Deputy Cosio did not hear the dispatcher acknowledge his request. Suspect Francis continued to run and turned north into the driveway at [redacted] Flora Vista Avenue. Deputy Cosio turned his patrol car north into the driveway and followed Suspect Francis, never losing sight of Suspect Francis.

Suspect Francis continued to have his right hand concealed at his front waistband area as he ran north on the driveway. Suspect Francis ran to the rear (north) of the property and turned west behind a garage. At the moment Deputy Cosio lost sight of Suspect Francis he applied the brakes to stop his patrol car. Deputy Cosio was preparing to set up a containment for Suspect Francis, who he believed had already jumped the block wall.

As Deputy Cosio applied the brakes he felt the anti-lock braking system engage. Deputy Cosio looked to his left, (west) and to his surprise Suspect Francis was still on his side of the block wall. Deputy Cosio saw Suspect Francis jump onto a yellow piece of machinery next to the block wall. Deputy Cosio believed Suspect Francis would reach up with his arms and climb over the wall, but he did not. Deputy Cosio was unable to stop his patrol car and collided with the concrete block wall. Deputy Cosio estimated Suspect Francis was now 5-10 yards west of his driver's door.

As Deputy Cosio's patrol car slid into the wall, Suspect Francis had his back to Deputy Cosio. Suspect Francis started to blade his body toward Deputy Cosio. Suspect Francis turned his body to the right, while pulling his right elbow and right hand up from his waist area. Deputy Cosio tried to open his door and was unable to get the door open. Deputy Cosio feared he was trapped inside in his car and feared for his life.

IAB Note: The day prior to this shooting Deputy Cosio was the first deputy to arrive on scene where a suspect jumped into a lieutenant's car, physically assaulting the lieutenant. Deputy Cosio stated that incident was on his mind when he could not open his car door. For details regarding the incident see report number 912-15824-1335-058, which is included with this investigation in **Miscellaneous Documents.**

Deputy Cosio pushed himself back in the driver's seat, which allowed him to draw his weapon. While drawing his weapon he yelled for Suspect Francis to, "Stop, get the fuck on the ground, stop" several times. Suspect Francis continued to turn toward Deputy Cosio. Deputy Cosio saw the back part of Suspect Francis's elbow and wrist. Deputy Cosio believed Suspect Francis had a gun and was about to shoot him. Fearing for his life, Deputy Cosio fired his duty weapon at Suspect Francis from inside his vehicle.

Deputy Cosio drew his duty weapon with his right hand, brought the weapon to his left hand grasped his weapon with both hands, and began shooting. Deputy Cosio believed he initially fired two rounds at Suspect Francis' body. Suspect Francis continued to turn toward Deputy Cosio, and Deputy Cosio saw Suspect Francis' head and eyes. Deputy Cosio raised his weapon higher, and extended it further out the driver's window. Seeing Suspect Francis' head and eyes, Deputy Cosio believed Suspect Francis was still turning toward him. Deputy Cosio pointed his weapon at Suspect Francis' head and fired one more round. Suspect Francis fell forward between the block wall and the yellow piece of machinery.

IAB Note: It was determined Deputy Cosio fired a total of six rounds. See **Exhibit A, page 62.**

Deputy Cosio was able to reach out with his left hand and open his driver's door from the outside. As Deputy Cosio opened his car door he requested the patch, and did not hear a response from the dispatcher. Deputy Cosio turned his radio off and back on and again requested the patch. The dispatcher then advised Deputy Cosio he had been on the patch. While Deputy Cosio attempted to put out radio traffic he moved to the rear quarter panel of his patrol car for cover. Deputy Cosio then transmitted he was involved in a shooting at Flora Vista and Alondra Boulevard, and the suspect was down.

Deputy Cosio held Suspect Francis at gunpoint and continued to give him commands until assisting units arrived and pulled Deputy Cosio away from the scene.

For Deputy Cosio's complete statements see his transcribed interviews that are included with this investigation.

IAB Note: Homicide investigators summary of Deputy Cosio's interview is included in the Homicide Investigation Book, **Exhibit A, pages 62-65**.

During his interview, Deputy Cosio was shown four photographs. One of the photographs is of Alondra Boulevard facing east where Deputy Cosio first saw Suspect Francis fighting with the Witness [redacted]. One photograph is of crime scene markers, marking Deputy Cosio's patrol car skid marks. One photograph is of the shooting scene, showing where Deputy Cosio saw the suspect fall to after being shot. The last photo is of the shooting scene showing where Deputy Cosio moved to after exiting his patrol car. All four photographs are included with Deputy Cosio's Internal Affairs interview transcript.

WITNESS STATEMENTS

[redacted] was interviewed by Homicide Investigators Ronald Duval and Frank Salerno on August 24, 2012, at approximately 1911 hours. Also present during the interview were Sergeants Slade Carrizosa and Jeffrey Hamil, assigned to the Los Angeles County Sheriff's Department Internal Affairs Bureau, Deputy District Attorney Renee Chang, assigned to the Los Angeles County District Attorney's Office Justice System Integrity Division, and Senior Investigator [redacted], assigned to the Los Angeles County District Attorney's Office Bureau of Investigations. The interview was digitally recorded, and the following is a summary of his interview.

Witness [redacted] was inside his business office ([redacted]), located at [redacted] at the time of the incident. Also inside the office with Witness [redacted] was his [redacted], [redacted]

Witness [redacted] described his business office as being located on the [redacted] of the lot, with a shed at the rear ([redacted]) of his property. There is a [redacted]/[redacted] driveway on the [redacted] side of his office that starts at Flora Vista, and extends [redacted] to the rear of his property. The business office has windows on the [redacted] with doors on the [redacted] and [redacted] sides. Both doors were open at the time of the incident.

Witness [redacted] was inside his office when he heard car tires squealing, Witness [redacted] looked out the south facing windows and saw a police car drive north up his driveway, from Flora Vista. Witness [redacted] believed the police car was traveling approximately 30-40 miles per hour. Witness [redacted] told his [redacted], [redacted] there was a police car driving to the rear of the business. Witness [redacted] walked to the back door (north) of the business. As he walked to the back door he heard the sound of what he believed was the police car striking the block wall at the north end of the property.

Witness [redacted] looked out the back door and saw the police car had run into the block wall at the north end of the driveway. Witness [redacted] estimated the north doorway, where he was standing, was approximately 55-60 feet from the block wall. Witness [redacted] saw the police officer (Deputy Cosio) quickly jump out of his patrol car from the driver's door. Deputy Cosio was standing approximately 3-4 feet west of the driver's door. Deputy Cosio was looking west, and then looked back south toward Witness [redacted]. Witness [redacted] heard Deputy Cosio yell, "Lay there! Don't move!" 6-7 times. While Deputy Cosio was yelling he removed his gun from his holster and pointed it in a northwest direction.

Witness [redacted] then heard four gunshots, and he ([redacted]) told [redacted] to get away from the door. Witness [redacted] saw Deputy Cosio appear to get on his "cell phone." Witness [redacted] believed Deputy Cosio was asking for back up when he got on his cell phone. Witness [redacted] and [redacted] ran to the front of the business and flagged down a police car. Additional police cars then arrived on scene. Witness [redacted] did not see anything further.

For Witness [redacted] complete statement see his transcribed interview that is included with the investigation.

Homicide investigators summary of Witness [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, pages 58-59**.

IAB Note: [redacted] was transported to Lakewood Station the day of the incident. While at the station he became uncooperative and left prior to being interviewed. [redacted] died on May 1, 2013, and was never interviewed.

[redacted] was interviewed on August 24, 2012, at approximately 1829 hours by Homicide Investigators Ronald Duval and Frank Salerno. The interview took place at Lakewood Sheriff's Station. Also present during the interview were Sergeants Slade Carrizosa and Jeffrey Hamil, assigned to the Los Angeles County Sheriff's Department Internal Affairs Bureau, Deputy District Attorney Renee Chang, assigned to the Los Angeles County District Attorney's Office Justice System Integrity Division, and Senior Investigator [redacted]. Assigned to the Los Angeles County District Attorney's Office Bureau of Investigations. The interview was digitally recorded, and the following is a summary of his interview.

Witness [redacted] was waiting while he had four tires installed on his vehicle at the "[redacted]" on Alondra Boulevard, in the City of Bellflower. Witness [redacted] decided to walk to a nearby T-shirt shop. While he walked east on the north sidewalk of Alondra Boulevard, he saw a blue car driving west on Alondra Boulevard. The car stopped on the north curb line of Alondra Boulevard approximately five car lengths east of Witness [redacted]. Witness [redacted] saw a male Black (Suspect Tony Francis), approximately 25-27 years old, 5'05"- 5'06" tall, medium length curly hair, wearing a black sweatshirt and baggy pants, exit the passenger door of the blue car.

Suspect Francis walked west, on the north sidewalk of Alondra Boulevard, toward Witness [redacted] As Suspect Francis reached Witness [redacted] right side, Suspect Francis reached out with his right hand and grabbed onto Witness [redacted] gold chain that was around Witness [redacted] neck. Suspect Francis had to yank on the gold chain 2-3 times before he was able to break it free from Witness [redacted] neck.

Witness [redacted] and Suspect Francis wrestled with each other. Suspect Francis eventually broke free and ran west on the north sidewalk of Alondra Boulevard, still in possession of his gold chain. Witness [redacted] chased after Suspect Francis, and he yelled twice, "Call the police." Witness [redacted] saw a black and white police car in the center divider of Alondra Boulevard, facing east. Witness [redacted] told the police officer, "He stole my chain," and pointed at Suspect Francis. Suspect Francis continued to run on the west sidewalk and the police officer in the car made a U-turn and drove west on Alondra Boulevard toward Suspect Francis. As Suspect Francis ran, he discarded Witness [redacted] gold chain onto the driveway of the tire shop.

After discarding the gold chain Suspect Francis removed his sweatshirt and dropped it onto the sidewalk. Suspect Francis continued to run west on Alondra Boulevard and turned north out of Witness [redacted] sight. The police car also continued west on Alondra Boulevard, and Witness [redacted] lost sight of it. Witness [redacted] retuned to the tire shop and picked up his gold chain.

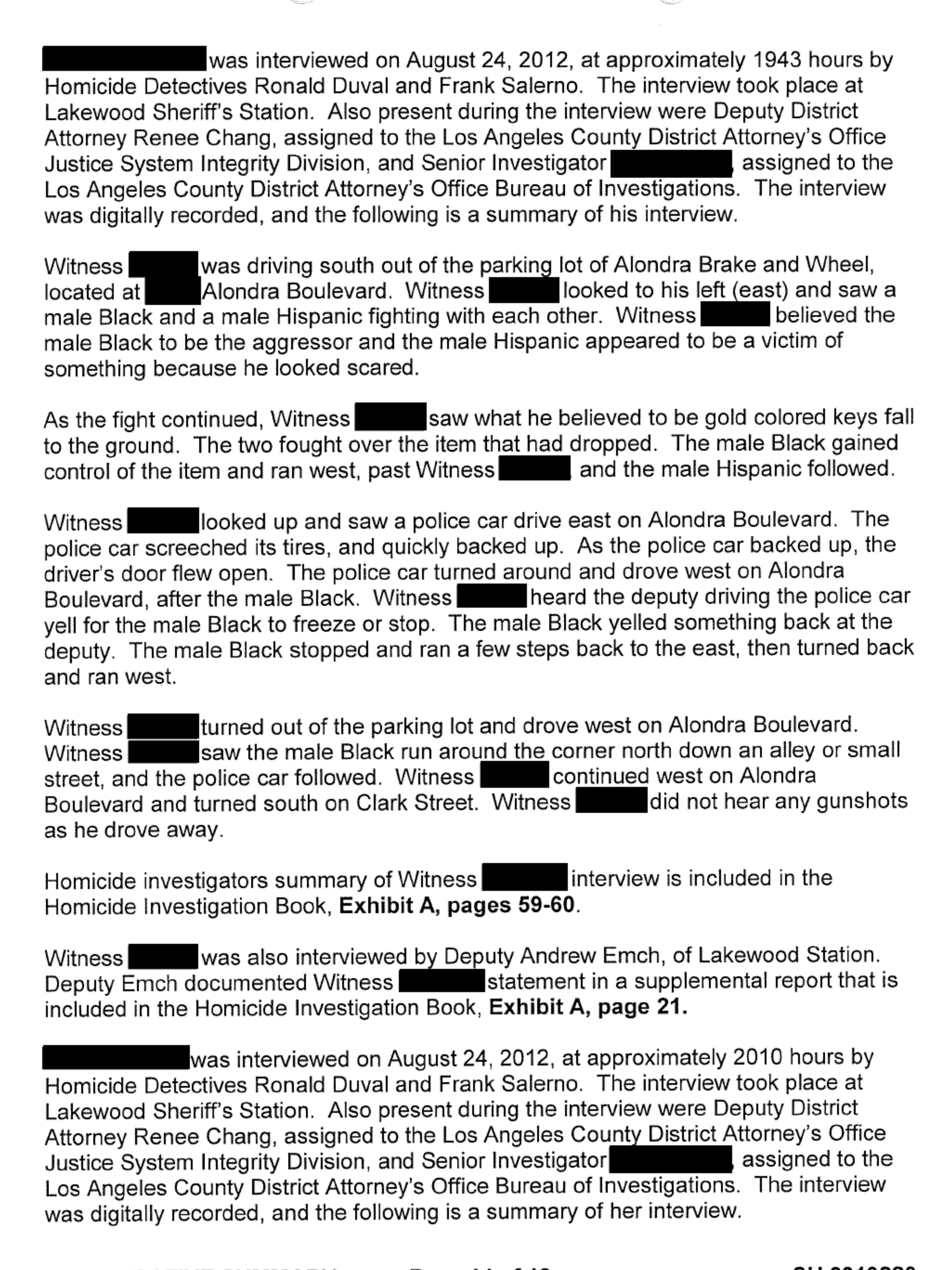
The driver of the blue car that Suspect Francis exited, drove up in front of the tire shop and stopped. The driver exited the blue car and Witness [redacted] accused the driver of being with Suspect Francis. The driver denied being with Suspect Francis, got back into his car, and drove west on Alondra Boulevard out of view. Witness [redacted] was able to get the last 3 digits on the license plate. Through further investigation homicide detectives were able to identify the car and the possible driver as [redacted] (MB/[redacted]). See **Exhibit A, pages 65-69**.

> **IAB Note:** On August 25, 2012, Witness [redacted] was unable to identify [redacted] in a photographic six pack as the driver of the blue car Suspect Francis exited. See **Exhibit A, pages 67-69**.

> **IAB Note:** On October 4, 2012, Witness [redacted] identified a blue Oldsmobile Intrigue, CA. license #[redacted], as the car Suspect Francis exited. See **Exhibit A. pages 92-93**.

For Witness [redacted] complete statement see his transcribed interview that is included with this investigation.

Homicide investigators summary of Witness [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, pages 56-58**.



[redacted] was interviewed on August 24, 2012, at approximately 1943 hours by Homicide Detectives Ronald Duval and Frank Salerno. The interview took place at Lakewood Sheriff's Station. Also present during the interview were Deputy District Attorney Renee Chang, assigned to the Los Angeles County District Attorney's Office Justice System Integrity Division, and Senior Investigator [redacted], assigned to the Los Angeles County District Attorney's Office Bureau of Investigations. The interview was digitally recorded, and the following is a summary of his interview.

Witness [redacted] was driving south out of the parking lot of Alondra Brake and Wheel, located at [redacted] Alondra Boulevard. Witness [redacted] looked to his left (east) and saw a male Black and a male Hispanic fighting with each other. Witness [redacted] believed the male Black to be the aggressor and the male Hispanic appeared to be a victim of something because he looked scared.

As the fight continued, Witness [redacted] saw what he believed to be gold colored keys fall to the ground. The two fought over the item that had dropped. The male Black gained control of the item and ran west, past Witness [redacted] and the male Hispanic followed.

Witness [redacted] looked up and saw a police car drive east on Alondra Boulevard. The police car screeched its tires, and quickly backed up. As the police car backed up, the driver's door flew open. The police car turned around and drove west on Alondra Boulevard, after the male Black. Witness [redacted] heard the deputy driving the police car yell for the male Black to freeze or stop. The male Black yelled something back at the deputy. The male Black stopped and ran a few steps back to the east, then turned back and ran west.

Witness [redacted] turned out of the parking lot and drove west on Alondra Boulevard. Witness [redacted] saw the male Black run around the corner north down an alley or small street, and the police car followed. Witness [redacted] continued west on Alondra Boulevard and turned south on Clark Street. Witness [redacted] did not hear any gunshots as he drove away.

Homicide investigators summary of Witness [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, pages 59-60**.

Witness [redacted] was also interviewed by Deputy Andrew Emch, of Lakewood Station. Deputy Emch documented Witness [redacted] statement in a supplemental report that is included in the Homicide Investigation Book, **Exhibit A, page 21.**

[redacted] was interviewed on August 24, 2012, at approximately 2010 hours by Homicide Detectives Ronald Duval and Frank Salerno. The interview took place at Lakewood Sheriff's Station. Also present during the interview were Deputy District Attorney Renee Chang, assigned to the Los Angeles County District Attorney's Office Justice System Integrity Division, and Senior Investigator [redacted], assigned to the Los Angeles County District Attorney's Office Bureau of Investigations. The interview was digitally recorded, and the following is a summary of her interview.

Witness [redacted] was driving her car west on Alondra Boulevard with her two [redacted] and her [redacted]. Witness [redacted] had her driver's door window rolled down.

IAB Note: All [redacted] occupants of Witness [redacted] vehicle were briefly interviewed by Deputy [redacted]. Deputy [redacted] documented their statements in a supplemental report that is included with the Homicide Investigation Book, **Exhibit A, pages 17-19.**

IAB Note: Due to [redacted] age she was not interviewed by Homicide or Internal Affairs investigators.

Witness [redacted] saw a male Black and a male Hispanic fighting with each other on the north sidewalk in front of the tire shop. Witness [redacted] drove past the two males fighting and slowed her car down. She saw a police car with its emergency lights on driving east on Alondra Boulevard. Witness [redacted] pulled her car over to the north curb line and she turned her head around and looked east. Witness [redacted] saw the male Black run west on Alondra Boulevard and take off his sweatshirt. Witness [redacted] saw the deputy open his driver's door and heard him yell for the male Black to stop twice.

The male Black kept running west on Alondra Boulevard. The deputy turned his police car around, and drove west on Alondra Boulevard. The male Black continued to run west on what Witness [redacted] thought was Pacific Avenue, where there was a bike trail. The male Black turned north and ran on the side of a building out of the view of Witness [redacted]. The deputy followed the male Black in his police car.

Approximately thirty seconds later Witness [redacted] heard the deputy yell, "Stop, stop," then she heard three gunshots. Witness [redacted] drove to a nearby gas station and was contacted by deputy personnel who asked if she witnessed the incident.

Homicide investigators summary of Witness [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, pages 60-61**.

[redacted] was interviewed on August 24, 2012, at approximately 2033 hours, by Homicide Detectives Ronald Duval and Frank Salerno. The interview took place at Lakewood Sheriff's Station. The interview was digitally recorded, and the following is a summary of her interview.

Witness [redacted] was seated in the front passenger seat of her [redacted] (Witness [redacted] car. Witness [redacted] passenger window was rolled halfway down. Witness [redacted] saw a male Hispanic and a male Black fighting on the sidewalk in front of the T-shirt shop. She saw the male Black fall to the ground and the male Hispanic remained standing. The male Black stood and ran toward a bike trail.

Witness [redacted] drove past the two men and Witness [redacted] saw two police cars pass by as Witness [redacted] pulled over. Witness [redacted] drove to a nearby gas station and while stopped at the gas station Witness [redacted] heard three gunshots.

Homicide investigators summary of Witness [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, page 61.**

[redacted] was interviewed on August 24, 2012, at approximately 2046 hours, by Homicide Detectives Ronald Duval and Frank Salerno. The interview took place at Lakewood Sheriff's Station. The interview was digitally recorded, and the following is a summary of his interview.

Witness [redacted] was seated in the rear passenger seat of his [redacted] (Witness [redacted] car, with his window halfway rolled down. They were driving west on Alondra Boulevard when Witness [redacted] saw a male Black standing over a male Hispanic, who was on the ground. The male Black was throwing punches at the male Hispanic, beating him up.

Witness [redacted] pulled the car over by a bike trail because a police car was coming from the west on Alondra Boulevard with its emergency lights and siren on. As the police car drove east, the male Black ran west on Alondra Boulevard. The deputy in the police car opened his driver's door and started to get out of his car. The male Black stopped running and turned around. Witness [redacted] heard the male Hispanic say, "Come on." The male Black turned back around, took off his sweatshirt, and ran west on Alondra Boulevard. The deputy closed his driver's door, made a U-turn, and drove west on Alondra Boulevard.

The male Black ran up a driveway of a business and the deputy followed in his police car. Witness [redacted] lost sight of male Black and the deputy when they turned down the driveway. Witness [redacted] then heard three or more gunshots. They then drove to a nearby gas station and Witness [redacted] did not see or hear anything further.

Homicide investigators summary of Witness [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, pages 61-62.**

[redacted] was interviewed on October 29, 2013, at approximately 1149 hours by Sergeants Slade Carrizosa and Justin Diez of Internal Affairs Bureau. The interview took place at "[redacted]" on Alondra Boulevard. The interview was digitally recorded, and the following is a summary of her interview.

Witness [redacted] is an employee at [redacted] located at [redacted] in the City of [redacted]. [redacted] is next door ([redacted]) to [redacted] where the shooting occurred. [redacted] is an industrial style building with no windows, the front door faces [redacted] onto Alondra Boulevard. The [redacted] side of the building has two large vehicle sized, sliding metal doors that open to a storage yard.

Witness [redacted] was in her office when she heard the sound of sliding gravel, and then a loud boom. She thought the sound was equipment falling and left her office to check on her boss, Witness [redacted]. She then heard three loud "clicks" or "pops." She heard Witness [redacted] say they were gunshots. She walked out the front door and walked west. She saw her neighbor business owner, Witness [redacted] was also in front of his business. She looked north down the driveway of Witness [redacted] business. She saw one police car had just pulled into the driveway and saw a second police car at the rear of the property. She saw a police officer standing just outside the open driver's door of the police car at the rear of the property. The officer was holding his firearm in his right hand with his arm extended. The officer looked in her direction, reached for his radio microphone and asked her for the address. She told him the address and when she turned around numerous additional police officers had already arrived. She was escorted away and did not see or hear anything further.

[redacted] was interviewed on October 29, 2013, at approximately 1203 hours by Sergeants Slade Carrizosa and Justin Diez of Internal Affairs Bureau. The interview took place at [redacted] on Alondra Boulevard. The interview was digitally recorded, and the following is a summary of his interview.

Witness [redacted] is the owner of [redacted] and on August 24, 2012, he was lying on the ground inside his shop when he heard a loud crashing sound, followed by three to four gunshots to the west of his business. After he heard the gunshots he walked to the rear doors of his shop, which were open, and looked [redacted]. Witness [redacted] was unable to see anything due to a large amount of dust in the air and all the equipment parked up against the chain link fence on the west of his property.

> **IAB Note:** Sergeant Carrizosa took a digital photo, looking [redacted], from the rear door of Witness [redacted] business. The photo is included with this investigation in **Miscellaneous Documents**.

Witness [redacted] saw Witness [redacted] had come out of her office and was walking toward the front door. Witness [redacted] walked quickly through his shop and out the front door. Once outside numerous police cars had already arrived and they were escorted, by deputies, to the tire shop east of his business.

[redacted] was interviewed on October 29, 2013, at approximately 1215 hours by Sergeants Slade Carrizosa and Justin Diez of Internal Affairs Bureau. The interview took place at "[redacted]" on Alondra Boulevard. The interview was digitally recorded, and the following is a summary of his interview.

Witness [redacted] is the owner of [redacted] His office is in the south east corner of [redacted] His office has no windows. Witness [redacted] was seated at his desk inside his office when heard a commotion and saw Witness [redacted] walk out the front door. Witness [redacted] stood and walked outside to see what was going on. Once outside deputies were beginning to arrive and he was told to stay back. Witness [redacted] went back into his office and did not see anything further.

[redacted] was interviewed by Deputy Brian Bank of Lakewood Station the day of the incident. Witness [redacted] was the passenger in Witness [redacted] van. Witness [redacted] witnessed Suspect Francis and Witness [redacted] fighting on the north sidewalk on Alondra Boulevard. He saw a black and white patrol car pull up next to the altercation. Suspect Francis ran west on Alondra Boulevard and turned north into a driveway, out of his view. The patrol car followed Suspect Francis into the driveway, out of his view.

Witness [redacted] statement was documented by Deputy Bank in a supplemental report that is included with the Homicide Investigation Book, **Exhibit A, page 22.**

[redacted] was interviewed by Deputy Khanh Tran of Lakewood Station the day of the incident. Witness [redacted] was driving east on Alondra Boulevard and saw Witness [redacted] chasing Suspect Francis west on the north sidewalk of Alondra Boulevard. Witness [redacted] parked his car to watch the incident. Witness [redacted] saw Suspect Francis throw an unknown object into the gate of the "American Tire Depot."

Witness [redacted] saw a police car drive west on Alondra Boulevard toward Witness [redacted] and Suspect Francis. Suspect Francis took off his sweater and ran around the corner, out of Witness [redacted] view. Witness [redacted] did not see anything further.

Witness [redacted] statement was documented by Deputy Tran in a supplemental report that is included with the Homicide Investigation Book, **Exhibit A, page 20.**